



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUL 27 2010

Howard Walter Herz  
P.O. Box 1000  
Minden, Nevada 89423

RE: MUR 6101  
Heller for Congress, et al.

Dear Mr. Herz:

This is in reference to the complaint you filed with the Federal Election Commission on October 21, 2008, concerning: (1) Heller for Congress and Elisabeth Ballinger, in her official capacity as treasurer; (2) November Inc.; and (3) Foundations Inc. Based on that complaint, on June 8, 2009, the Commission found that there was reason to believe the respondents violated 2 U.S.C. §§ 441b(a), 441f, and/or 441a(a)(1), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter. However, on July 14, 2010, after considering the circumstances of this matter, the Commission determined to take no further action as to (1) Heller for Congress and Elisabeth Ballinger, in her official capacity as treasurer; (2) November Inc.; and (3) Foundations Inc., and closed the file in this matter. A copy of the dispositive General Counsel's Report is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

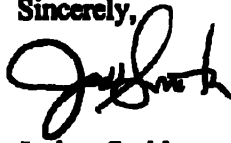
The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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Mr. Howard Walter Herz  
Page 2 of 2

If you have any questions, please contact me at (202) 694-1624.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Smith", written over a horizontal line.

Joshua Smith  
Attorney

Enclosure: General Counsel's Report

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